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BILLINGS DIV.

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PATRICK E. DUFFY, CLERK

BY \_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

MELANIE J. PARRISH,

Plaintiff,

vs.

DAVID SCHENK, individually and  
as the Sheriff and Agent of Madison  
County; DOUGLAS YOUNG, individually  
and as a deputy sheriff and agent of  
Madison County; ROGER THOMPSON,  
individually and as a deputy sheriff and  
agent of Madison County;  
THEODORE COFFMAN, individually  
and as agent of Madison County;  
DAVID SCHULZ, individually  
and as agent of Madison County; and  
MADISON COUNTY, a political  
subdivision of the State of Montana,

Defendants.

CV-07-12-BU-RFC

ORDER ADOPTING  
FINDINGS AND  
RECOMMENDATION OF  
UNITED STATES  
MAGISTRATE JUDGE

On June 26, 2007, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends that Plaintiff's Motion to Remand be denied.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed objections on July 18, 2007. Defendants responded to Plaintiff's objections on July 27, 2007. Plaintiff's objections are not well taken.


After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

The Ninth Circuit recently stated that this Court had clearly misapplied *Duncan v. Stuetzle*, 76 F.3d 1480 (9th Cir. 1996) and Ninth Circuit law when it concluded that it lacked subject matter jurisdiction when this Court granted a remand in a similar case. *See Denton v. Blatter*, Cause No. CV-06-73-BLG-RFC, 06-74848.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Remand is **DENIED**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED this 20<sup>th</sup> day of August, 2007.

  
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RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE